

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-10 NSAE-00 RSC-01 FAA-00 SSO-00 DRC-01

 INRE-00 /058 W

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O 081730Z APR 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 9435

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E.O. 11652: N/A

TAGS: ETRN, UK

SUBJ: CIVAIR - ITC RULES

REF: STATE 69322

1. UK AUTHORITIES HAVE NOT REPEAT NOT IMPOSED 30-DAY
PRELISTING REQUIREMENT FOR ITC'S AND WE ARE NOT AWARE
OF ANY INTENTION ON THEIR PART TO DO SO. INDUSTRY
REPORTS CITED REFTEL PROBABLY STEM FROM 30-DAY PRELISTING
CONDITION FOR ITCS WHEN THEY ARE COMMINGLED WITH
TGCS ABOARD SAME AIRCRAFT. DEPARTMENT WILL RECALL
COMMINGLING ISSUE WAS DISCUSSED BUT NO UNDER-
STANDING WAS REACHED DURING BILATERAL NEGOTIATIONS
IN LONDON ON JANUARY 31. AT THAT TIME, BRITISH
PROMISED TO STUDY POSSIBILITY OF PERMITTING ITCS
TO COMMINGLE WITH AFFINITY CHARTERS. (THIS IS NOT
PRESENTLY ALLOWED UNDER UK RULES UNLESS THERE IS
ALSO A TGC GROUP ABOARD AIRCRAFT.) BRITISH WERE NOT
OPPOSED TO CONCEPT OF COMMINGLING AFFINITIES AND
ITCS BUT COULD NOT ENVISAGE HOW THIS COULD BE
ACCOMPLISHED CONSISTENT WITH REASONABLE ENFORCEMENT
WITHOUT ITC'S PRELISTED WHICH WE SAID WOULD MAKE
ITC'S UNMARKETABLE. WE HAVE REMINDED BRITISH
THAT WE ARE STILL INTERESTED IN RIGHT TO COMMINGLE
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ITC'S AND AFFINITIES BUT WITHOUT ITC PRELISTING.

THEY SAY THEY ARE STILL STUDYING THE QUESTION.

2. ON COMMINGLING OF ITC'S WITH TGC'S, BRITISH SAY THERE WERE ONLY THREE COMMINGLED FLIGHTS IN 1973 AND IN EACH INSTANCE UKG INSISTED UPON A PRELISTING OF ITC PASSENGERS 30 DAYS IN ADVANCE OF FLIGHT. THEY INTEND TO FOLLOW SAME PRACTICE THIS YEAR ON ANY ITC/TGC APPLICATION.

3. COMMENT. PRIMARY BRITISH CONCERN APPEARS TO BE WITH ENFORCEMENT LOOM OLE CREATED BY HAVING UNLISTED ITC PASSENGERS ABOARD SAME AIRCRAFT AS PRELISTED TGC AND AFFINITY PASSENGERS. IF THERE WERE SOME WAY BRITISH COULD BE SURE THAT AIRLINES WOULD NOT BE TOPPING-OFF FLIGHTS WITH "OFF-THE-STREET" TRAFFIC LABELED AS ITC PASSENGERS, THEY WOULD PROBABLY RELAX CONSTRAINT AGAINST AFFINITY/ITC COMMINGLING. A TEN-DAY ITC PRELIST WOULD PROBABLY ACCOMPLISH THIS. WE REALIZE AIRLINES STRONGLY OPPOSE ANY PRELISTING OF ITC PASSENGERS FOR LEGITIMATE COMMERCIAL REASONS AND WE RECOGNIZE THAT US ACCEPTANCE ANY ITC PRELISTING REQUIREMENT, REGARDLESS OF LENGTH OF ADVANCE PERIOD INVOLVED, MIGHT CREATE VERY UNDESIRABLE PRECEDENT. ON THE OTHER HAND, IF ABILITY TO COMMINGLE AFFORDS US CARRIERS SUFFICIENTLY VALUABLE OPERATING FLEXIBILITY, THE IDEA OF AN ITC PRELIST FILING SHORTLY BEFORE FLIGHT DEPARTURE MIGHT BE CONSIDERED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION REGULATIONS, PASSENGERS, AIR SCHEDULES, SUPPLEMENTAL AIRLINES
Control Number: n/a
Copy: SINGLE
Draft Date: 08 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LONDON04431
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740079-0677
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740459/aaaacbra.tel
Line Count: 91
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 69322
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 20 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20-Jul-2001 by reddocgw>; APPROVED <01 AUG 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - ITC RULES
TAGS: ETRN, UK
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005